IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C.W.P. No. 3710 of 2007

Date of Decision: 20.12.2007

Vinayak Soap Industry

…Petitioner

Versus

The Kangra Central Cooperative Bank Limited and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. A.P.S. Shergill, Advocate,
for the petitioner.

Mr. Ashok Gupta, Advocate,
for respondent Nos. 1 and 2.

Mr. P.S. Ranu, Advocate,
for respondent No. 3.

M.M. KUMAR, J.

The instant petition filed under Article 226 of the Constitution prays for quashing of notice dated 27.7.2006, issued by the Kangra Central Cooperative Bank Limited-respondent No. 1, under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act') (P-6), notice dated 4.10.2006, under Section 13(4) of the Act (P-8), notice dated 31.1.2007 for sale of secured assets (P-9) and publication of notice in newspaper, dated 8.2.2007 (P-11).

Learned counsel for respondent Nos. 1 and 2 at the outset has raised a preliminary objection that the instant petition is not maintainable in view of the judgment of Hon'ble the Supreme Court in the case of **S.S. Rana v. Registrar, Co-operative Societies, 2006(3) RSJ 63**. According to the learned counsel, as per the judgment of Hon'ble the Supreme Court in the case of S.S. Rana (supra), writ jurisdiction under Article 226 of the Constitution, against the Kangra Central Cooperative Bank Limited-respondent Nos. 1 and 2 cannot be invoked as it is neither an instrumentality nor an authority of the State within the meaning of Article 12 of the Constitution, which could not be successfully disputed by the learned counsel for the petitioner.

In view of the above, the writ petition is not maintainable and, therefore, the same is dismissed. The petitioner shall, however, is entitled to invoke any other remedy against the respondents in accordance with law.

A copy of the order be given dasti on payment of usual charges.

(M.M. KUMAR)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

December 20, 2007
Pkapoor